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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/547,689	01/25/2007	Richard Percy	2105-00021	7022
26753 7590 10/27/2010 ANDRUS, SCEALES, STARKE & SAWALL, LLP 100 EAST WISCONSIN AVENUE, SUITE 1100 MILWAUKEE, WI 53202				
EXAMINER				
BROMELL, ALEXANDRIA Y				
ART UNIT		PAPER NUMBER		
2167				
MAIL DATE		DELIVERY MODE		
10/27/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/547,689

**Applicant(s)**

PERCY, RICHARD

**Examiner**

ALEXANDRIA Y. BROMELL

**Art Unit**

2167

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 92 and 95 - 108 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 92 and 95 - 108 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notes of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 92 and 95 - 108 have been considered but are moot in view of the new ground(s) of rejection. The new ground of rejection is necessitated by Applicants amendments to the claims on August 4, 2010.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 92 and 103 – 108 are rejected under 35 U.S.C. 102(e) as being anticipated by George Maynard (U.S. patent 6,484,166).

With respect to claim 92, Maynard teaches:

a database server, wherein the database server stores data classification codes, information and links to internet based information stored or existing outside of the database server associated with said data classification codes, wherein each data classification code comprises a plurality of unlimited alpha-numeric sub-codes providing for unrestricted levels in a hierarchical structure, each alpha-numeric sub-code

representing a particular subject term, and each subject term corresponding to a definition or description of either a constituent part or the whole of the information such that the information is classified into one or more subject terms, and all the subject terms are encoded with the alpha-numeric sub-codes (see column 1, line 48 – column 2, line 10, where a data retrieval and display system has an indexing module that stores finite elements about information resources into their category tags, where classification codes and sub codes of both alpha and numeric type, similar to the Dewey decimal system, are stored);

a network receiver, wherein the network receiver receives a data classification code from a user's communications device via a wired or wireless network (see column 2, lines 33 – 36, where a classification code symbol segment may be entered for a search);

a set of executable software code stored on the host system such that when the set of executable software code is executed by a processor included in the host systems, the data classification code received from the user is recognized as a request for information, is parsed, and information is retrieved from one or more external databases or servers by using the links associated with the data classification code received from the user, wherein the data classification code links to the information in any of a plurality of media channels (see column 2, lines 47 – 49, where the system searches a reverse index for classification code matches, see column 1, lines 48 – 53 where a plurality of indexed and classified channels are searched); and

a transmitter, wherein the retrieved information is transmitted via the wired or wireless network to the user's communications device over a network (see column 2, lines 32 – 46, where results are transmitted and displayed).

With respect to claim 103, Maynard teaches:

one or more of said data classification codes are printed or displayed together with interrelated information and/or products, or broadcast, distributed or streamed with interrelated data, audio or visual materials (see column 1, lines 48 – 53 where a plurality of indexed and classified channels are classified, indexed, and searched).

With respect to claim 104, Maynard teaches:

uniform indexing function is provided at each level of said hierarchical structure to display a list of all the subject terms associated with the sub-codes at said level (see column 2, lines 32 – 46, where a display hierarchy is created to show sub codes at that level).

With respect to claim 105, Maynard teaches:

at each level of said hierarchical structure data related to subject-terms associated with the sub-codes are available upon entering a particular sub-code (see column 2, lines 32 – 46, where a display hierarchy is created to show sub codes at that level).

With respect to claim 106, Maynard teaches:

the data classification code one or more of the sub codes are is converted into the associated subject-terms when one or more sub-codes included in the data classification code entered by the user are not associated with information or links to

internet based information stored or existing outside of the database server (see column 1, lines 48 – 53 where a plurality of indexed and classified channels are searched).

With respect to claim 107, Maynard teaches:

the data classification codes entered by the user is supplemented with one or more subject-terms, and is used to search for, access or receive information (see column 1, line 48 – column 2, line 10, where a data retrieval and display system has an indexing module that stores finite elements about information resources into their category tags, where classification codes and sub codes of both alpha and numeric type, similar to the Dewey decimal system, are stored).

With respect to claim 108, Maynard teaches:

the data classification codes include supplemental syntax used to identify and modify the information according to specific attributes of the information (see column 1, line 48 – column 2, line 10, where a data retrieval and display system has an indexing module that stores finite elements about information resources into their category tags, where classification codes and sub codes of both alpha and numeric type, similar to the Dewey decimal system, are stored).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 95 – 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over George Maynard (U.S. patent 6,484,166) in view of Diane Vizine Goetz, ("Using Library Classification Schemes for Internet Resources," 1999, OCLC Office of Research).

With respect to claim 95, Maynard does not explicitly disclose all of said sub-codes comprise a two digit code.

However, Goetz teaches:

all of said sub-codes comprise a two digit code (see table 1, LCC, where two digit sub-codes are used, e.g. PN, QA, TK, AN, PN, GV, etc.).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Maynard with the teachings of Goetz in order to use the Dewey Decimal System and the Library of Congress system to efficiently classify documents for retrieval over the internet.

With respect to claim 96, Maynard does not explicitly disclose all of said sub-codes have the same uniform data structure.

However, Goetz teaches:

all of said sub-codes have the same uniform data structure (see table 1, where all sub codes have the same uniform data structure).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Maynard with the teachings of Goetz in order to use the Dewey Decimal System and the Library of Congress system to efficiently classify documents for retrieval over the internet.

With respect to claim 97, Maynard does not explicitly disclose data classification codes include a sequence of two digit sub-codes.

However, Goetz teaches:

data classification codes include a sequence of two digit sub-codes (see table 1, LCC, where two digit sub-codes are used for classification).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Maynard with the teachings of Goetz in order to use the Dewey Decimal System and the Library of Congress system to efficiently classify documents for retrieval over the internet.

With respect to claim 98, Maynard does not explicitly disclose data classification codes include a sequence of one or more of said numeric or alpha-numeric sub- codes.

However, Goetz teaches:

data classification codes include a sequence of one or more of said numeric or alpha-numeric sub- codes (see table 1, DDC, where numeric codes are used, combined with LCC, where two digit alpha sub-codes are used for classification).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Maynard with the teachings of Goetz in order to use



the Dewey Decimal System and the Library of Congress system to efficiently classify documents for retrieval over the internet.

With respect to claim 99, Maynard does not explicitly disclose the sub- codes are used to navigate to desired subject terms by abbreviating or extending the sub-codes in the data classification code.

However, Goetz teaches:

the sub- codes are used to navigate to desired subject terms by abbreviating or extending the sub-codes in the data classification code (see table 1, LCC, where two digit sub-codes are used, which are abbreviated, for example, Computer Science is abbreviated as QA; Telecommunication is abbreviated as TK).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Maynard with the teachings of Goetz in order to use the Dewey Decimal System and the Library of Congress system to efficiently classify documents for retrieval over the internet.

With respect to claim 100, Maynard does not explicitly disclose each of the sub-codes at each level of the hierarchical structure is associated with a certain subject-term, and each of the subject terms at each level of the hierarchical structure is encoded with a certain sub- code.

However, Goetz teaches:

each of the sub-codes at each level of the hierarchical structure is associated with a certain subject-term, and each of the subject terms at each level of the hierarchical structure is encoded with a certain sub- code (see figure 2, which shows

that the sub codes appear in a hierarchical structure associated with a certain subject term).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Maynard with the teachings of Goetz in order to use the Dewey Decimal System and the Library of Congress system to efficiently classify documents for retrieval over the internet.

With respect to claim 101, Maynard does not explicitly disclose the data classification codes consist solely of a combination of said sub-codes.

However, Goetz teaches:

the data classification codes consist solely of a combination of said sub-codes (see table 1, LCC, where two digit sub-codes are used).

With respect to claim 102, Maynard does not explicitly disclose wherein information assigned a particular data classification code relates to the subject-term associated with said particular data classification code if the data classification code includes a single sub-code.

However, Goetz teaches:

wherein information assigned a particular data classification code relates to the subject-term associated with said particular data classification code if the data classification code includes a single sub-code (see section, DDC and LCC Have a Hierarchical Structure, e.g. 663, where there is only one code, related to beverage technology).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the teachings of Maynard with the teachings of Goetz in order to use the Dewey Decimal System and the Library of Congress system to efficiently classify documents for retrieval over the internet.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDRIA Y. BROMELL whose telephone number is (571)270-3034. The examiner can normally be reached on M – R 9 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexandria Y Bromell/  
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October 22, 2010

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